

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0515-10  
Bill No.: Truly Agreed To and Finally Passed CCS#2 for SS for SCS for HCS for HBs 144 and 46  
Subject: Crimes and Punishments; Law Enforcement Officers and Agencies; Prisons and Jails; Department of Corrections; State Attorney General; Criminal Procedure  
Type: Original  
Date: May 22, 2001

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
General Revenue Fund	(\$204,778)	(\$244,743)	(\$265,713)
Highway Funds	(\$59,825)	(\$57,019)	\$0
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(\$264,603)</b>	<b>(\$301,762)</b>	<b>(\$265,713)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 7 pages.

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Health, Office of Prosecution Services, Office of State Courts Administrator**, and the **Office of the State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

In response to a similar proposal, officials from the **Department of Public Safety – Capitol Police, Department of Public Safety – Division of Fire Safety**, and the **St. Louis Metropolitan Police Department** assume the proposed legislation would have no fiscal impact on their agencies.

In response to a similar proposal, officials from the **Office of Attorney General** assume the costs of the proposed legislation could be absorbed within existing resources.

### Law Enforcement Driver License and Motor Vehicle Records Confidential

Officials from the **Department of Revenue (DOR)** assume the Driver and Vehicle Services Bureau will require 2 Clerk Typist II positions to update confidential records, prepare correspondence and manually process all renewal and record modifications for these records.

The Driver and Vehicle Services Bureau currently maintains confidential records on 240 probation, parole and pretrial officers. This represents approximately 17% of the 1,500 probation, parole and pretrial officers throughout the state. Although there are 240 probation, parole and pretrial officers who have requested records to be marked confidential, this affects approximately 1,200 records because individuals may have multiple motor vehicle records. These records are maintained in a separate database and require special processing in order to ensure integrity and security in the confidentiality of the record information.

DOR has obtained information from the Department of Public Safety indicating that there are approximately 17,000 law enforcement officers statewide. The Driver and Vehicle Services Bureau assumes the same percent of law enforcement officers will request to have their records marked “confidential.”

$17,000 \times 17\% = 2,890$  individuals who will request that their records be marked as “confidential.” Factoring multiple motor vehicle registration records, the Driver and Vehicle Services Bureau assumes that this increased number of individuals who will request that their records be marked “confidential” will affect 14,450 records. **This represents an increased workload of 1,100%.**

### ASSUMPTION (continued)

DOR assumes 2 FTE and related expense and equipment would be needed to implement this proposal.

**Oversight** assumes these employees can be located in existing space, and has adjusted the cost to DOR accordingly. DOR requested the additional employees to maintain a separate secured database pending security improvements to be added to the vehicle registration computer system, and expects to be able to provide the needed security for these registrations without the separate database when improvements to the vehicle licensing system are completed. Accordingly, Oversight has estimated fiscal impact for FY 2002 and FY 2003 only. Oversight also assumes that immediate family is limited to the spouse and children of the peace officer for the purposes of this proposal.

#### Consent for Chemical Testing

The **Department of Corrections (DOC)** assumes the changes to §577.020 are for drug and alcohol tests for drivers in certain circumstances. Instances for which testing is allowed is enhanced, however, no direct potential for the DOC can be assumed due to passage of this component of this proposal.

#### MULES and NCIC Records Checked before Release of Prisoners

In response to a similar proposal, officials from the **Office of State Public Defender** assume that existing staff could provide representation for those cases arising where indigent ex-jail employees were charged with failure to check for outstanding warrants before releasing a prisoner. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** assume they currently comply with the procedures for outstanding warrant inquiries (at the time of release of an offender) outlined within this proposal (outlined in §221.510). A further examination of current DOC procedures relating to passage of this proposal may reveal that some procedural enhancements would be beneficial for the department and this could result in some additional costs, but it is assumed that the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

In response to a similar proposal (SS for SCS for HCS for HBs 144 & 46 with SAs 1 & 2), officials from the **Cole County Sheriff's Department** assumed the proposed legislation would require additional training for jail officers as well as an additional MULES/NCIC terminal in the jail for Cole County to comply with all aspects of the proposed legislation. The Cole County  
ASSUMPTION (continued)

Sheriff's Department currently checks MULES/NCIC records before releasing prisoners.

**Oversight** assumes there will be no additional cost to the Cole County Sheriff's Department because the Department is currently complying with the provisions of the proposed legislation.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume the proposed legislation would affect every incarcerating agency in the state, which not only includes state institutions but also every county and city jail in the state. Based upon the legislation as written, MHP could make no meaningful estimations without making assumptions.

In §221.510.4, the legislation states that the Attorney General may appoint a sheriff to investigate the report. The legislation does not preclude the Attorney General from appointing the MHP to investigate the report. The MHP assumes that even if the Attorney General appoints a sheriff, the sheriff will contact the MHP to properly conduct the investigation. MHP assumes they will still have to be involved in the investigation.

MHP assumes the Information Systems Division would require 2 Computer Information Technology Specialists (CITS) (\$41,136) FTE as a result of this legislation. These CITS would be responsible for the application support and maintenance of the existing MULES database.

Furthermore, MHP assumes all investigative work performed by the MHP would involve log tape scans looking for inquiries being mandated. There are no metrics available to ascertain the numbers of log tape scans that would be required. In the absence of metrics, MHP has taken the appropriate number of log tape scans executed last year for investigative purposes (600) and estimated that one half of those log scans were done looking for a specific inquiry name from specific terminals (300). The proposed legislation would, based on those calculations, result in one third of that figure (100). The average cost for this type of log tape scans at the State Data Center based upon November 2000 was \$1,244.25 (amounts ranging from \$1,632.99 to \$200.52). Taking the increased number (100) at \$1,244.25, the estimated annual recurring increased expense is \$124,425.

#### Aiding the Escape of a Prisoner

In response to a similar proposal, officials from the **Office of State Public Defender** assume that existing staff could provide representation for those few cases arising where the indigent persons were charged with the enhanced crime of aiding an escape of a prisoner. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

#### ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** estimates the impact for the changes to §575.230 to be \$0 or a minimal amount in FY02 and FY03. The impact for FY04 is estimated to be \$14,203 (\$35.61 per inmate, per day x 365 days x 3% inflation per year).

DOC assumes the changes to §575.230 are for increasing the class D felony sentence for aiding the escape of an incarcerated felon to a class B felony. A class D felony carries the penalty of up to 5 years, while a class B felony carries not less than 5 years but up to 15 years of incarceration. Class D felons typically serve 35.8% of their sentence before being released to parole, while class B felons serve a higher percentage of their sentence, typically 46.4% before parole. Currently, DOC has 2 individuals incarcerated for the existing offense. In the past 4 fiscal years (FY97-FY00) there have been 3 admissions, all to term. The maximum sentence imposed is 4.75 years, close to the maximum penalty. Typical time service for the 4.75 year penalty would be 1.7 years. The typical time served for a class B felon would be 6.96 years. This could increase the incarceration time by 5.26 years if this bill were passed as law, with the impact beginning in the second FY after revising the statute. Due to the low numbers of offenders affected, impact would not be measurable until the third FY.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>GENERAL REVENUE FUND</b>			
<u>Costs - Missouri Highway Patrol (MHP)</u>			
Salaries (2 FTE)	(\$70,274)	(\$86,437)	(\$88,598)
Fringe Benefits	(\$23,422)	(\$28,809)	(29,530)
Equipment and Expense	<u>(\$111,082)</u>	<u>(\$129,497)</u>	<u>(133,382)</u>
Total Costs - MHP	(\$204,778)	(\$244,743)	(\$251,510)
<u>Costs - Department of Corrections (DOC)</u>			
Increased beds	\$0	\$0	(\$14,203)
<b>ESTIMATED NET EFFECT TO GENERAL REVENUE FUND</b>	<b><u>(\$204,778)</u></b>	<b><u>(\$244,743)</u></b>	<b><u>(\$265,713)</u></b>

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>HIGHWAY FUNDS</b>			
<u>Costs - Department of Revenue (DOR)</u>			
Salaries (2 FTE)	(\$34,120)	(\$41,968)	\$0
Fringe Benefits	(\$11,372)	(\$13,988)	\$0
Equipment and Expense	(\$14,333)	(\$1,063)	\$0
Total Costs - DOR	(\$59,825)	(\$57,019)	\$0
<b>ESTIMATED NET EFFECT ON HIGHWAY FUNDS</b>	<b><u>(\$59,825)</u></b>	<b><u>(\$57,019)</u></b>	<b><u>\$0</u></b>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2002 (10 Mo.)	 FY 2003	 FY 2004
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would require law enforcement officers, jailers, and the Department of Corrections to conduct a check for outstanding felony and misdemeanor warrants, through the Missouri Uniform Law Enforcement System (MULES) and the National Crime Information Center (NCIC) System, on all prisoners, whether convicted or being held on suspicion of charges. Prisoners may not be released or transferred before such a records check has taken place. Violations of this section may be reported to the state attorney general's office, who may appoint a sheriff of another county to investigate the report. Purposeful failure to conduct such a warrant check resulting in release of a prisoner with outstanding warrants is a class A misdemeanor. It would not be deemed to have purposely failed to perform a warrant check if the MULES or NCIC systems were not accessible.

This proposal would increase the penalty for aiding in the escape of a prisoner being held in custody or confinement on the basis of a felony charge or conviction from a class D to a class B felony.

DESCRIPTION (continued)

The Department of Revenue would be prohibited from releasing personal information regarding any peace officer and the immediate family of any person who is a county, state or federal parole officer, federal pretrial officer, or peace officer.

A motor vehicle operator would have been deemed to have given consent to a chemical drug or alcohol test if the person has been involved in a collision which resulted in a fatality or readily apparent serious physical injury.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health  
Office of Attorney General  
Department of Revenue  
Department of Corrections  
Department of Public Safety  
    – Missouri State Highway Patrol  
    – Capitol Police  
    – Division of Fire Safety  
Office of Prosecution Services  
Office of State Courts Administrator  
Office of State Public Defender  
St. Louis Metropolitan Police Department



Jeanne Jarrett, CPA  
Director

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